

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., et al.,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.
02-cv-3830 (LDD)

**ORDER GRANTING HANDY & HARMAN TUBE COMPANY, INC.'S MOTION TO
STRIKE PORTIONS OF PLAINTIFFS' OPPOSITION TO ITS SUMMARY
JUDGMENT MOTION**

AND NOW, this _____ day of _____ 2007, upon consideration of defendant Handy & Harman Tube Company, Inc.'s motion to strike portions of Plaintiffs' opposition papers, it is hereby ORDERED that Handy & Harman Tube Company, Inc.'s Motion to Strike Portions of Plaintiffs' Opposition to Its Motion for Summary Judgment is GRANTED and that the following portions of Plaintiffs opposition papers are stricken:

- A. Exhibits A and C to the Certification of Amy M. Trojecki.
- B. The following references to Exhibits A and C contained in Plaintiffs' opposition brief:
 - page 2: "H&H Tube also entirely disregards a statement by Jay Crawford, H&H Tube's employee of 25 years, that DCC hauled H&H Tube's TCE contaminated lubricating oils during the time DCC operated the Site."

- page 4: "Finally, Thomas Curran, a former H&H Tube Vice-President of Operations and an employee for 35 years, advised the EPA during a 1993 interview that the name DeRewal was familiar to him."
- page 7: "but Mr. Crawford stated that DCC hauled these wastes in 30 and 55 gallon drums."
- page 8: "Similarly, Mr. Curran described the various waste streams generated by H&H Tube during his 1993 interview with US EPA, but did not make any mention during that interview of 'industrial waste solution.'"
- page 12: "H&H Tube completely disregards a statement by Jay Crawford, who worked for H&H Tube for twenty-five years. Mr. Crawford stated that a company with the name DeRewal hauled drummed spent lubricant waste from the H&H Tube facility. Mr. Crawford further remembered that DCC picked up the drums during the time period of 1969 to 1977."
- page 12, n.6: "In addition, Mr. Crawford recalling that H&H Tube did business with DCC in the 1970s..."
- page 12, n.6: "Thomas Curran also recalled the name DeRewal and said the name was familiar to him during his 1993 interview with the US EPA."
- page 19: "Similarly, Curran described the various waste streams generated by H&H Tube during his 1993 interview with US EPA, but did not make any mention during that interview of 'industrial waste solution.'"

Legrome D. Davis, Judge